

Application Serial No. 10/655,770  
Amendment dated September 28, 2005  
Reply to Office Action dated July 11, 2005

### **REMARKS**

Claims 1-23 are pending. No claims have been allowed.

The Examiner rejected Claims 1-7, 9-12, 14 and 16-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,448,328 to Wingate ("Wingate '328") in view of U.S. Patent Application Publication No. 2004/0104239 to Black, Jr. et al., ("Black, Jr. et al. '239"). The Examiner also rejected Claims 8, 13 and 15 under 35 U.S.C. §103(a) as being unpatentable over Wingate '328 in view of Black, Jr. et al. '239 and further in view of U.S. Patent No. 5,791,511 to Lowing ("Lowing '511").

Responsive to the foregoing rejections, Applicant submits herewith the attached Declaration of the inventor Russell G. McMillen under 35 U.S.C. §1.131 ("the McMillen Declaration"), along with the supporting Declaration of Jon E. Greim under 35 U.S.C. §1.132 ("The Greim Declaration"). The McMillen and Greim Declarations establish that the inventor, Mr. McMillen, conceived and reduced the present invention to practice before the effective filing date of Black, Jr. et al. '239 in the United States of October 4, 2002.

In view of the foregoing, Applicant respectfully submits that Black, Jr. et al. '239 is not a proper prior art reference under 35 U.S.C. §102(e), and Applicant respectfully requests the Examiner to withdraw the rejections of Claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Wingate '328 in combination with Black, Jr. et al. '239, and Wingate '328 in combination with Black, Jr. et al. '239 and Lowing '511.

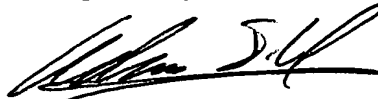
It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicant has overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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Declarations (2)

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: September 28, 2005

ADAM F. COX, REG. NO. 46,644

Name of Registered Representative



Signature

September 28, 2005

Date